

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

|                     |   |                          |
|---------------------|---|--------------------------|
| OMAR NORIEGA,       | ) |                          |
|                     | ) |                          |
| Plaintiff,          | ) |                          |
|                     | ) |                          |
| vs.                 | ) | Case Number CIV-10-380-C |
|                     | ) |                          |
| CENTER POINT, INC., | ) |                          |
|                     | ) |                          |
| Defendant.          | ) |                          |

**MEMORANDUM OPINION**

Plaintiff filed this action following her termination from employment with Defendant. Plaintiff alleges her termination was in violation of various federal and state laws which prevent discrimination. Defendant has now filed a Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6), alleging Plaintiff’s Complaint fails to adequately plead a claim for relief.

The Supreme Court’s recent rulings in Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007), and Ashcroft v. Iqbal, \_\_\_ U.S. \_\_\_, 129 S.Ct. 1937, 150 (2009), have undoubtedly altered the landscape of pleading. However, the extent of this change has led to a rash of challenges by defendants who now routinely argue a plaintiff has failed to plead sufficient facts. Most of these motions lack merit and reflect either a fundamental misunderstanding of the applicable law or a desire to simply generate additional paperwork for the parties and the Court. The present motion is clearly within this category. Defendant’s challenge fails to offer any meaningful argument that Plaintiff has failed to state a claim. Rather, Defendant goes on for pages complaining about specific facts Plaintiff has omitted. However, review

of the Complaint clearly puts Defendant on notice of the nature of the claims brought by Plaintiff. Nothing more is required. See Fed. R. Civ. P. 8.

For the reasons set forth herein, Defendant's Motion to Dismiss (Dkt. No. 8) is DENIED.

IT IS SO ORDERED this 2nd day of July, 2010.

  
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ROBIN J. CAUTHRON  
United States District Judge